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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,)	No. CR-07-00597 JF
)	
Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING HEARING
vs.)	
)	
JOHN MICHAEL NAGY,)	
)	
Defendant.)	
_____)	

STIPULATION

The parties hereby stipulate that the status hearing currently set for Wednesday, February 24, 2010 at 9:00 a.m. may be continued to Thursday, March 25, 2010 at 9:00 a.m., to permit the government and its agents to continue their evaluation of the protective order proposed by the defense for inspection of the digital discovery under the Adam Walsh Act, to permit the defense to inspect that discovery once the protective order is finalized, and to accommodate the unavailability of a member of the defense team to participate in that inspection of the discovery until mid-March.

The parties further stipulate that 29 days may be excluded from the time within which trial shall commence, as the reasonable time necessary for continuity and effective preparation of counsel, taking into account the exercise of due diligence, pursuant to Title 18, United States

1 Code Section 3161(h)(7)(A) and (h)(7)(B)(iv).

2
3 Dated: February 10, 2010

4 s/_____
5 CYNTHIA C. LIE
6 Assistant Federal Public Defender

7 Dated: February 10, 2010

8 s/_____
9 JOSEPH FAZIOLI
10 Assistant United States Attorney

11 **[PROPOSED] ORDER**

12 Good cause appearing and by stipulation of the parties, it is hereby ordered that the status
13 hearing of Wednesday, February 24, 2010 shall be continued to Thursday, March 25, 2010 at
14 9:00 a.m.

15 The Court further finds, based on the aforementioned reasons, that the ends of justice
16 served by granting the requested continuance outweigh the interest of the public and the
17 defendant in a speedy trial, in that the failure to grant the requested continuance would deny
18 counsel reasonable time necessary for continuity and effective preparation of counsel, taking into
19 account the exercise of due diligence, and would result in a miscarriage of justice. The Court
20 therefore concludes that 29 days should be excluded from the time within which trial shall
21 commence under 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).

22 It is so ordered.

23 Dated: February 22, 2010

24 
25 JEREMY FOGEL
26 United States District Judge